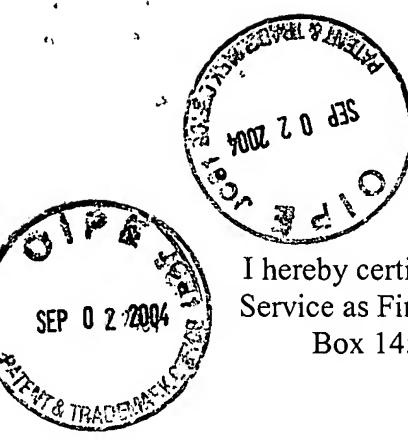


EFW



CERTIFICATE OF MAILING

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Joseph Weathered
Joseph Weathered

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Harvey JAY
SERIAL NO. : 10/647,948
FILED : 8/26/2003
FOR : Skin Treatment with Optical Radiation
GROUP ART UNIT : 3739
EXAMINER : Henry M. Johnson, III

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PROVISIONAL ELECTION

SIR:

In response to the Restriction Requirement contained in the Office Action of August 2, 2004, applicant elects the claims of Group I, i.e., claims 1-40, 46-51, and 58-65 for continued prosecution in the above-identified application. In addition, in response to an Election Requirement contained in the Office Action of August 2, 2004, with respect to the claims of Group I, applicant elects Species 1 (claims 1-28) for continued prosecution in the application. The Election of Species is made with traverse on the grounds that some of the seven (7) Species identified by the Examiner with respect to the claims of Group I are considered to set forth subject matter that is obvious in view of claims of elected Species 1.